

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)) Kraton Polymers Research B.V.
Application No.) 10/537,123
Filing Date) October 25, 2005
Title) STYRENIC BLOCK COPOLYMER COMPOSITIONS
TO BE USED FOR THE MANUFACTURE OF
TRANSPARENT, GEL FREE FILMS
Examiner) Kelechi Chidi Egwim
Art Unit) 1796
Confirmation No.) 8388

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450 USA

AMENDMENT AND RESPONSE TO OFFICE ACTION –
RESTRICTION/ELECTION REQUIREMENT

Sir:

In response to the above-noted restriction requirement, Applicant is requested to select an invention between Groups I, II, and III. It is submitted that this restriction requirement is improper because it is clear from the claim language, the written description in the specification, and particularly the examples that the films of Group II and III are necessarily made from the composition of Group I. Furthermore, It is noted that the films of Group II and III do not claim any particular uniqueness about the film other than to say it is a film made from the composition claimed in claim 11 (both claims 22 and 27 are independent but the differences between these claims and claim 11 is merely calling for a film which has the characteristics and features of claim 11.) Accordingly, Group II and Group III claims are not independent of the composition.

Because Applicant must elect between Groups I, II, and III, Applicant hereby elects Group I with traverse arguing that the films are necessarily related to the composition.

An additional reason for noting that the restriction requirement is improper is that the Examiner refers to a PCT rule on page 2, paragraph 2, of the Office Action. While this case was originally filed as a PCT case in the United States Receiving Office, the restriction requirements must be according to U.S. rules and statutes, and not PCT statutes.

Furthermore, it is noted that one of the reasons the Examiner gives for the restriction requirement is that claim 11 is anticipated or obvious over U.S. 2002/001707 and/or EP 921153 (note that the first citation is most likely missing a 0 after the year.)

Both of these references have been reviewed. It is noted, however, that neither disclose the styrenic block copolymer claimed by the present invention. While it is correct to state that both of these disclose a styrenic block copolymer having a diene mid block comprised of isoprene or butadiene, they each fail to disclose the numerous other characteristics set forth therein. Therefore, neither of these references anticipate, or make obvious, the features of the present invention.

In summary, Applicant hereby claims the Group I invention drawn to claims 11-21 with reference to the styrenic block copolymer composition. As stated above, this election is made with traverse in view of the fact that claim 22 and its dependent claims along with claim 27 and its dependent claims are related to a single inventive concept for the reasons listed above.

It is believed that this Application is now in condition for Examination and such is solicited.

Respectfully submitted,

Date: November 10, 2008

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